

OFFICE OF THE DIRECTOR

DEPARTMENT OF MOTOR VEHICLES

P.O. BOX 932328

SACRAMENTO, CA 94232-3280

**TITLE 13: DEPARTMENT OF MOTOR VEHICLES****NOTICE IS HEREBY GIVEN**

The Department of Motor Vehicles (the department) proposes to amend Sections 220.00, 220.02, 220.04, 220.06, 220.08, 220.10, 220.12, 220.16, 220.18, 221.00, 221.02, 221.06, 221.08, 221.10, 221.12 and to adopt Sections 220.14 and 220.20, in Chapter 1, Division 1, Article 3.5 of Title 13, California Code of Regulations, to implement various law changes that have occurred since the original regulations were established in 1998 governing the Motor Carrier of Property Permit Program.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M. on February 10, 2003, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

AUTHORITY AND REFERENCE

The department proposes to adopt the proposed action under the authority granted by Vehicle Code section 1651, in order to implement, interpret or make specific Vehicle Code sections 34601, 34620, 34621, 34623, 34631.5, 34660 and 34670.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Various and extensive legislative changes that affect the Motor Carrier of Property (MCP) Permit Program in Division 14.85, Sections 34600 through 34672 of the Vehicle Code have occurred since the original regulations were approved to implement the program. Because of the legislative changes to the MCP Permit Program statutes, proposed regulatory changes were required.

In addition, procedural changes have occurred for the operation of the program. An automated renewal application was developed, and a new process and form developed for reporting changes in the business entity. Also, clarification of the policy governing the changing of a renewal date was developed. Submission of the Certificate of Insurance by the insurance provider only was added due to a review of security and fraud issues.

This regulatory proposal would amend and/or adopt the following sections in Article 3.5, Chapter 1, Division 1, of Title 13 of the California Code of Regulations.

Section 220.00: New definitions for the following terms are proposed: business entity, individual, motor carrier, permit term, and person. Clarification of other definitions is also proposed.

Section 220.02: Amended to identify changes that require a new application, identify a new process and form when the motor carrier has a change of name or address or adds or deletes a “Doing Business As” (DBA) name. Amend the length of time the department has to inform an applicant that the application is complete or deficient.

Section 220.04: Amended to identify the renewal form, inform the public of the fixed renewal date for a permit term and delete the reactivation process.

Section 220.06: Amended to identify the new revisions of the forms, require the name on the financial responsibility document to be the same as the name on the MCP permit application and require the Certificate of Insurance to only be submitted to the department by the insurance provider.

Section 220.08: Amended to identify the vehicle conditions that require a motor carrier to include a vehicle(s) on the statutorily mandated list.

Section 220.10: Amended to delete the annual report requirement when reinstating a motor carrier permit and clarify the work classifications to be included in the report.

Section 220.12: Amended to correct the reference to Vehicle Code sections for the Employer Pull Notice System in Vehicle Code section 1808.1.

Section 220.14: Proposed new section to specify that a single reinstatement fee is due at the end of an individual or concurrent suspension periods.

Section 220.16: Amended to identify the forms and revised revision dates for acceptable evidence of compliance with workers’ compensation laws.

Section 220.18: Amended and renumbered from 220.16 to allow a logical progression of section topics.

Section 220.20: Proposed new section to clarify the permit term for each seasonal permit.

Section 221.10: Amended to clarify a term used in the section to match the definition in Section 220.00 of these regulations.

DOCUMENTS INCORPORATED BY REFERENCE

DMV152MCP (REV. 3/2001)	Notice of Change
DMV134MCP-I (Rev. 12/2000)	Renewal (Individuals or Sole Proprietorships)
DMV134MCP-P (Rev. 12/2000)	Renewal (General Partnerships)
DMV134MCP-L (Rev. 12/2000)	Renewal (Limited Partnerships)
DMV134MCP-LC (Rev. 12/2000)	Renewal (Limited Liability Company)
DMV134MCP-C (Rev. 12/2000)	Renewal (Corporation)
DMV65MCP (REV. 6/2001)	Certificate of Insurance
DMV55MCP (REV. 8/2002)	California Motor Carrier Liability Surety Bond Motor Carriers of Property
DMV131MCP (NEW 4/98)	Certificate of Self-Insurance Motor Carrier of Property
DMV67MCP (REV. 6/2001)	Insurance Policy Endorsement
DMV66MCP (REV. 6/2001)	Notice of Cancellation of Insurance
DMV716MCP (REV. 6/2001)	Request for Voluntary Withdrawal
DMV133MCP (REV. 8/2001)	Assignment for a Motor Carrier of Property Certificate of Self Insurance
DMV130MCP (REV. 7/2001)	Application for a Certificate of Self Insurance

FISCAL IMPACT STATEMENT

- Cost Or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action has no effect which would have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The regulatory action proposed by the department clarifies the Motor Carrier of Property Permit Program process and documents currently in place and those recently adopted in statute. No studies or data were relied upon in support of this proposal.
- The adoption of this regulation will not create nor eliminate jobs or businesses in the state of California, will not result in the elimination of existing businesses, and will neither reduce nor expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate, which requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses because the regulations are clarifying and identifying the process and documents already required in statute and regulations.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Christie Patrick, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-5567, or cpatrick@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to the Regulations Coordinator, Deborah Baity, at (916) 657-5690 or e-mail dbaity@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeout to indicate deletions from, the California Code of Regulations.

The contact person identified in this notice shall also make available to the public upon request the final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons and Express Terms) may be accessed at www.dmv.ca.gov, Other Services, Legal Affairs Division, Public Comments web page.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made that are sufficiently related to the originally proposed text, the fully modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.